

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

KLEEN PRODUCTS LLC; R.P.R. ENTERPRISES,
INC.; MIGHTY PAC, INC.; FERRARO FOODS, INC.;
FERRARO FOODS OF NORTH CAROLINA, LLC;
DISTRIBUTORS PACKAGING GROUP, LLC; RHE
HATCO, INC.; THULE, INC.; and CHANDLER
PACKAGING, INC, individually and on behalf of all
those similarly situated,

Plaintiffs,

v.

PACKAGING CORPORATION OF AMERICA;
INTERNATIONAL PAPER; CASCADES CANADA,
INC.; NORAMPAC HOLDINGS U.S. INC.;
WEYERHAEUSER COMPANY; GEORGIA PACIFIC
LLC; TEMPLE-INLAND INC.; TIN INC.; and
SMURFIT-STONE CONTAINER CORPORATION

Defendants.

Case No. 1:10-cv-05711

CLASS ACTION

Judge Milton I. Shadur

**CASCADES CANADA, INC.'S AND NORAMPAC HOLDINGS U.S. INC.'S MOTION
TO DISMISS PLAINTIFFS' CONSOLIDATED AND AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Cascades Canada, Inc. and Norampac Holdings U.S. Inc. (collectively, "Norampac"), by and through their attorneys, move to dismiss with prejudice the Consolidated and Amended Complaint, filed on November 8, 2010 [Dkt. No. 65] (the "Complaint"), as to Norampac.

As more fully stated in Defendants' Joint Memorandum of Law in Support of Defendants' Motions to Dismiss the Consolidated and Amended Complaint and Norampac's Supplemental Memorandum of Law, the Complaint's sparse allegations as to Norampac fail to state a claim that Norampac violated Section 1 of the Sherman Act, 15 U.S.C. § 1, under the standards set forth in *Bell Atlantic v. Twombly*, 550 U.S. 544 (2007). The allegations specific to

Norampac are insufficient to plausibly infer that Norampac participated in a conspiracy to reduce containerboard capacity or raise prices.

WHEREFORE, Cascades Canada, Inc. and Norampac Holdings U.S. Inc. respectfully request this Court to enter an order dismissing with prejudice Plaintiffs' Consolidated and Amended Complaint as to them.

Dated: January 14, 2011

Respectfully submitted,

By: /s/ Scott M. Mendel
Counsel for Cascades Canada, Inc. and Norampac
Holdings U.S. Inc.

Scott M. Mendel
John E. Susoreny
Lauren N. Norris
K&L GATES LLP
70 West Madison, Suite 3100
Chicago, Illinois 60602
Telephone: 312.372.1121

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on January 14, 2011, he caused a true and correct copy of the foregoing **CASCADES CANADA, INC.'S AND NORAMPAC HOLDINGS U.S. INC.'S MOTION TO DISMISS PLAINTIFFS' CONSOLIDATED AND AMENDED COMPLAINT** to be filed and served electronically via the Court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

/s/ Scott Mendel

One of the attorneys for Defendants
Cascades Canada, Inc. and Norampac
Holdings U.S. Inc.